

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

AQUIL YOUNG,

*Plaintiffs,*

v.

SOUTH BEACH BAR AND GRILL CORP.,  
VIVIANA RIVERA, individually and in her  
official capacity, JOHN DOES 1-10, and XYZ  
CORP. 1-10,

*Defendant.*

Civil Action No. 23-697 (KSH) (JSA)

**ORDER**

This matter having come before the Court on the report and recommendation (D.E. 33) of Magistrate Judge Jessica Allen, recommending that the Court strike the answer (D.E. 4) filed by defendants South Beach Bar and Grill Corp. and Viviana Rivera, and permit plaintiff Aquil Young to request that the Clerk of Court enter default against defendants and to subsequently move for default judgment; and the Court having considered the report and recommendation and the record as a whole; and no party having filed objections to the report and recommendation; and for the reasons set forth in the accompanying opinion,

IT IS, on this 30<sup>th</sup> day of November, 2023,

**ORDERED** that the report and recommendation (D.E. 33) is **ADOPTED**; and it is further

**ORDERED** that defendants' answer (D.E. 4) is **STRICKEN**; and it is further  
**ORDERED** that no later than December 7, 2023, plaintiff may seek entry of default against defendants and, if granted, may file his motion for default judgment within 7 days thereafter; and it is further

**ORDERED** that the Clerk of the Court shall serve a copy of this order and the accompanying opinion, as well as a copy of the report and recommendation (D.E. 33), upon the following persons by regular mail and certified mail, return receipt requested:

South Beach Bar and Grill Corp.  
476 Main Street  
East Orange, NJ 07018

Viviana Rivera  
476 Main Street  
East Orange, NJ 07018

Vincent M. Avery, Esq.  
Coffey Modica O'Meara Capowski LLP  
200 East Post Road, Suite 210  
White Plains, NY 10601

**SO ORDERED.**

/s/ Katharine S. Hayden  
Katharine S. Hayden, U.S.D.J